

HOUSE BILL 6

By Miller

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 5, Part 7; Title 40, Chapter 24 and Title 55, Chapter 50, relative to driver license suspension, restriction, and revocation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-50-502, is amended by adding the following as a new subsection:

(l)

(1) Prior to making a request to the department of safety to suspend a driver license for failure of a person to pay or secure any fine or costs imposed as a result of a conviction of any driving offense, the local court or court clerk shall offer the person whose license is eligible to be suspended pursuant to subdivision (a)(1)(H) the opportunity to submit proof of the person's financial inability to pay any portion of the fine or costs imposed by the court.

(2) A person is financially unable to pay any portion of the fine or costs pursuant to subdivision (l)(1) if the person is receiving an annual income, after taxes, of one hundred eighty-five percent (185%) or less of the poverty guidelines updated periodically in the federal register by the United States department of health and human services under the authority of 42 U.S.C. § 9902(2).

(3) Upon proof of a person's financial inability to pay the fine or costs, the court shall not request the person's driver license be suspended, and the department shall not suspend the person's driver license pursuant to subdivision (a)(1)(H).

(4)

(A) Any person whose driver license was restricted, suspended, or revoked under § 40-24-105(b) or subdivision (a)(1)(H), prior to January 1, 2020, for nonpayment of litigation taxes, court costs, or fines that under this subsection (l) and § 40-24-105(b)(1) are not the basis for restriction, suspension, or revocation of a driver license due to the person's financial inability to pay, may petition the court having original jurisdiction over the offense for reinstatement of the person's driver license.

(B) The person shall provide documentation of inability to pay that meets the requirements of subdivision (l)(2) with the petition.

(C) If the court finds that the person is no longer subject to driver license restriction, suspension, or revocation due to the person's financial inability to pay under § 40-24-105(b) or this subsection (l), the court shall order that the person's driver license be reinstated.

(D) The person may present a certified copy of the court's order to the department of safety, which shall reissue a driver license if the person is otherwise eligible for a driver license. A person whose driver license is suspended or revoked for any other reason, including an order from another court requiring suspension or revocation in accordance with § 40-24-105(b) or subdivision (a)(1)(H), is not considered eligible.

(E) The person shall not be required to pay the reinstatement fees associated with the offenses listed in the court order.

SECTION 2. Tennessee Code Annotated, Section 40-24-105(b)(1), is amended by deleting the language "as a result of disposition of any offense under the criminal laws of this state" and substituting instead the language "as a result of disposition of any offense under the criminal laws of this state, other than any driving offense for which the person is financially unable to pay any portion of the taxes, costs, or fines pursuant to § 55-50-502(l),".

SECTION 3. This act shall take effect January 1, 2020, the public welfare requiring it.